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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ FAO 16/2003

ANITA BAHUGUNA .....Appellant

Through: Mr. Ray Vikram Nath with
Mr.Akshat Chaudhary,
Mr. Harshvardhan Jha and Ms. Riyal
Suryavanshi, Advocates.

versus

S.K.BAHUGUNA .....Respondent

Through: Mr. Abhishek Krishna with
Mr. Tejasva Pratap Singh,
Mr. Santosh Kumar Tiwari,
Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

O R D E R

% 13.08.2024

CM APPL.46252/2024 (exemption)

Exemption allowed subject to all just exceptions.

CM APPL.46251/2024 (for condonation of delay in re-filing)

For the reasons stated in the application, the application is allowed. The delay in filing the restoration application is condoned.

CM APPL. 46250/2024 (for restoration)

1. Issue notice. Learned counsel for respondent appears on advance notice and accepts notice.

2. The appeal in question was disposed of on 29.08.2014.

3. However, in the year 2019, the appellant moved an application seeking direction to respondent to pay her maintenance in terms of the

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orders passed by this Court during the appeal.

4. Since there was no appearance from her side on 11.05.2023, her such application was dismissed in default and for non-prosecution.

5. Undoubtedly, in the same order, it was also observed that the present application in the present form was not maintainable as the appeal had been disposed of way back on 29.08.2014 but since the application was dismissed in default and for non-prosecution, keeping in mind the facts mentioned in the present application seeking restoration, the request is allowed and the application is restored to its original number.

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6. Learned counsel for the respondent states that there is no intention of respondent in not complying with the directions given by this Court but he is facing difficulty as the appellant has not even opened a bank account so that the respondent could have transferred any amount in terms of the directions given by this Court.

7. Appellant is directed to furnish the bank account details before this Court and also supply the same to learned counsel for the respondent.

8. Both the sides would also apprise on the next date as to what amount is due to be paid to the appellant in terms of the directions given by this Court.

9. Put up on 01st October, 2024 for further consideration.

MANOJ JAIN, J

AUGUST 13, 2024/st

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